



# UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII  
901 NORTH 5TH STREET  
KANSAS CITY, KANSAS 66101

23 JAN 2006

Commander  
U.S. Army Engineer District, Memphis  
ATTN: CEMVM-PM-E  
167 North Main Street, B-202  
Memphis, TN 38103-1894

Dear Colonel Smithers:

The Environmental Protection Agency (EPA) has reviewed the St. Johns Bayou and New Madrid Floodway Project Draft Revised Supplemental Environmental Impact Statement 2 (RSEIS 2). Our review is provided under the National Environmental Policy Act (NEPA), Council on Environmental Quality regulations (40 CFR Parts 1500-1508), Section 309 of the Clean Air Act, and Section 404 of the Clean Water Act (CWA). As noted in the draft RSEIS 2, this document supplements the June 2002 Final Revised Supplemental Environmental Impact Statement, and is focused on clarifying how the Corps intends to compensate for impacts to fish and wildlife resources from the construction of the St. Johns Bayou-New Madrid Floodway Project.

Given this proposed project's large geographic scale, EPA understands the importance of careful assessment of potential mitigation efforts for their suitability in offsetting project impacts. We agree that mitigation measures will need to be evaluated on the extent to which habitat functions are replaced, and not solely on the number of acres enhanced or restored. To assist in clarifying how mitigation provisions under the U.S. Army Corps of Engineers' regulations are to be met, EPA recommends that the Final RSEIS 2 should:

1. Provide additional information to address uncertainties regarding proposed mitigation measures (e.g., location and acreage to be acquired), and expected benefits of mitigation measures in Table 2-2, and;
2. Provide additional information regarding contingencies for fisheries impacts should the proposed fish passage measures not perform as anticipated.

EPA would like to offer assistance in mitigation planning efforts as part of the proposed interagency mitigation team to address the issues identified above and subsequent development of site specific mitigation plans. Please contact Mr. Thomas Taylor, (913) 551-7226, to discuss EPA's representation.

Thank you for the opportunity to review this RDEIS 2. In accordance with our national rating system, a description of which is attached, we have rated this draft RSEIS 2 as "EC-2; environmental concerns – insufficient information". If you have any questions, please contact Mr. Joe Cothorn, NEPA Team Leader, at (913) 551-7148.

Sincerely,

A handwritten signature in black ink, appearing to read "U. Gale Hutton", written over a horizontal dotted line.

U. Gale Hutton

Director

Environmental Services Division

Enclosure

cc: Dru Buntin, MDNR